



UNITED STATES PATENT AND TRADEMARK OFFICE

m8

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/685,193 | 10/10/2000 | Mark T. Stewart | P-9288.00 | 6010 |

27581 7590 10/03/2003

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS, MN 55432-5604

EXAMINER

JUNG, WILLIAM C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3737

12

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,193

Applicant(s)

STEWART ET AL.

Examiner

William Jung

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 39-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 39 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Eaton et al (US 5,954,654).

Eaton et al discloses of an ultrasound catheter for mapping or imaging of tissue consisting of elongated catheter body having ultrasound transducer at the distal end and control handle at the proximal end. The catheter has two distinct deflection section in between the distal and proximal ends as shown in figure 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3737

5. Claims 40, 42, 43, 46-49, 52, 53, 55, and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over *Eaton et al*, as applied to claims 39 and 50 above, and further in view of *Webster, Jr.* (US .5,626,136).

Eaton et al substantially discloses of all claimed invention in claims 40, 42, 43, 46-49, 52, 53, 55, and 56. Webster, Jr. further teaches that the catheter for mapping and/or ablation (col. 1, lines 30-56; col. 2, lines 1-21) where it includes elongated catheter body with proximal and distal sections with distal section includes a distal segment, a curvable or bendable proximal segment, and a bendable or flexible intermediate segment placed in between the distal segment and the proximal segment (col. 3, line 30 – col. 4, line 8). The first deflecting section bends the distal segment through the intermediate segment and the second deflecting section bends the proximal segment along a first axis as shown in figure 1a. Furthermore, the catheter body is bendable but incompressible (col. 3, lines 38-45). The angle and direction of deflection of one bendable section to another is independent and the degrees of bending section ranges from zero to 360 degrees. Webster also discloses in figure 1B, where the deflection points in the catheter's distal and proximal sections includes three or more deflection points (col. 4, lines 9-32). Both Eaton et al and Webster, Jr. teaches that the bendable or flexible catheter can be used to navigate body orifice of vascular system. Webster, Jr. teaches multiple bend sections into various angle and shape. Eaton et al teaches an alternative bending mechanism where the deflection of the catheter is controlled with a control knob instead bending of the catheter by form fitting as shown by Webster., Jr. et al. Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to apply the teachings of Eaton et al to the teachings of Webster, Jr.

Art Unit: 3737

Allowable Subject Matter

6. Claims 41, 44, 45, 51, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grundy et al (US 5,603,697), ***Eaton et al*** (US 5,938,616), ***Eaton et al*** (US 6,228,0332), and Webster, Jr. (US 6,066,125).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Jung whose telephone number is 703-605-4364. The examiner can normally be reached on Mon-Fri 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Ruhl can be reached on 703-308-2262. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

WJ
September 29, 2003


DENNIS RUHL
PRIMARY EXAMINER